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BELL SOUTH

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June 9, 2005

Mr. Charles Terreni  
Chief Clerk of the Commission  
Public Service Commission of South Carolina  
Post Office Drawer 11649  
Columbia, South Carolina 29211

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COMMISSION

Re: Application of BellSouth Telecommunications, Inc. to Provide In-Region  
InterLATA Services Pursuant to Section 271 of the Telecommunications  
Act of 1996  
Docket No. 2001-209-C

Dear Mr. Terreni:

Enclosed for filing are the original and 10 copies of a Motion to Grant Pending  
Joint Motion for Adoption of Settlement of Disputed Claims in the above-referenced  
matter.

By copy of this letter, I am serving copies of this pleading upon all parties of  
record as reflected on the attached Certificate of Service.

Sincerely,



Patrick W. Turner

PWT/nml  
Enclosure  
cc: All Parties of Record  
PC Docs # 588753

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA  
DOCKET NO. 2001-209-C

IN RE:

BELLSOUTH )  
TELECOMMUNICATIONS, INC. - )  
APPLICATION TO PROVIDE IN-REGION )  
INTERLATA SERVICES PURSUANT TO )  
271 TELECOMMUNICATIONS ACT OF )  
1996 )

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**MOTION TO GRANT PENDING JOINT MOTION FOR  
ADOPTION OF SETTLEMENT OF DISPUTED CLAIMS**

In light of the changed circumstances described below, BellSouth Telecommunications, Inc. ("BellSouth") respectfully requests that the Public Service Commission of South Carolina grant the Joint Motion for Adoption of Settlement of Disputed Claims ("Joint Motion") that BellSouth and the Competitive Carriers of the South, Inc. ("CompSouth") filed in this docket on or about February 11, 2005.

**PROCEDURAL BACKGROUND**

On July 20, 2004, BellSouth filed a letter notifying the Commission that BellSouth was withdrawing its Statement of Generally Available Terms ("SGAT"). In response, on September 2, 2004, the Competitive Carriers of the South, Inc. ("CompSouth") filed its petition requesting that the Commission prevent BellSouth from withdrawing the referenced SGAT. On September 7, 2004, US LEC of South Carolina, Inc. ("US LEC") and Southeastern Competitive Carriers Association ("SECCA") filed a

petition, a notice of intent, and comments in which they requested that the Commission prevent BellSouth from withdrawing the referenced SGAT.<sup>1</sup>

Subsequently, BellSouth and CompSouth reached the settlement and compromise that is described in the Joint Motion. BellSouth and CompSouth had asked US LEC and SECCA to accept the settlement, but they had declined to do so. Accordingly, BellSouth and CompSouth filed the Joint Motion asking that the Commission enter an Order adopting the settlement in final resolution of this docket over the objections of US LEC and SECCA.

On March 24, 2005, the Commission entered an Order addressing the Joint Motion.<sup>2</sup> In that Order, the Commission stated that “we believe that we would deny US LEC and SECCA their due process rights if we adopt the terms of the settlement for all parties without hearing from them on the issues.”<sup>3</sup> The Commission, therefore, held that the Joint Motion “should be held in abeyance for consideration at the hearing on this matter.”<sup>4</sup>

### **STATEMENT OF CHANGED CIRCUMSTANCES**

After the Commission issued its Order holding the Joint Motion in abeyance, US LEC and SECCA filed a petition asking the Commission for permission “to withdraw their objection to the [Joint Motion] that has been submitted for approval by [BellSouth]

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<sup>1</sup> CompSouth, US LEC, and SECCA are the only parties that have voiced any concerns over BellSouth’s withdrawal of its SGAT nearly a year ago.

<sup>2</sup> Order Ruling on Joint Motion, *In Re Application of BellSouth Telecommunications, Inc. for a Certificate of Public Convenience and Necessity to Provide In-Region InterLATA Services Pursuant to Section 271 of the Telecommunications Act of 1996*, Order No. 2005-142 in Docket No. 2001-209-C (March 24, 2005).

<sup>3</sup> *Id.* at 2.

<sup>4</sup> *Id.* at 3.

in the above-styled proceeding.”<sup>5</sup> The Petition states that US LEC and SECCA “are in agreement with the resolution of the disputed claim as set forth in the Motion.”<sup>6</sup> Accordingly, each of the three parties that have raised concerns over BellSouth’s withdrawal of its SGAT are now in agreement with the resolution set forth in the Joint Motion. The circumstances that led the Commission to hold the Joint Motion in abeyance no longer exist, therefore, and it is neither necessary nor appropriate to hold a hearing on this matter.

### CONCLUSION

In light of the foregoing, BellSouth respectfully requests that the Commission enter an Order adopting the settlement set out in the Joint Petition in final resolution of this matter.

Respectfully submitted on this the 9<sup>th</sup> day of June, 2005.

By: Patrick Turner  
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ATTORNEY FOR BELL SOUTH  
TELECOMMUNICATIONS, INC.

588668

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<sup>5</sup> Petition to Withdraw Objection by US LEC of South Carolina, Inc., and Southeastern Competitive Carriers Association, *In Re Application of BellSouth Telecommunications, Inc. for a Certificate of Public Convenience and Necessity to Provide In-Region InterLATA Services Pursuant to Section 271 of the Telecommunications Act of 1996*, Docket No. 2001-209-C at 1 (May 27, 2005).

<sup>6</sup> *Id.* at 1 (emphasis added).

STATE OF SOUTH CAROLINA

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CERTIFICATE OF SERVICE

COUNTY OF RICHLAND

)

The undersigned, Nyla M. Laney, hereby certifies that she is employed by the Legal Department for BellSouth Telecommunications, Inc. ("BellSouth") and that she has caused a Motion to Grant Pending Joint Motion for Adoption of Settlement of Disputed Claims in Docket No. 2001-209-C to be served upon the following this June 9, 2005:

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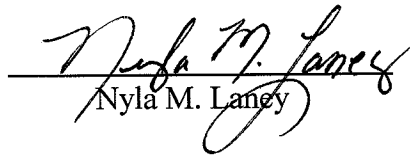
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